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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,253	02/08/2002	Geer Schuren	01/020 TRE	3327
38263	7590	09/09/2004	EXAMINER	
PROPAT, L.L.C. 425-C SOUTH SHARON AMITY ROAD CHARLOTTE, NC 28211-2841				LE, HOA T
		ART UNIT		PAPER NUMBER
		1773		

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,253	SCHUREN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	H. T. Le	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 24 June 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 5, line 14, the term “pearlite” is queried. Is it intended to be “perlite” instead? Based on the context described there, it seems “perlite” to be a more suited material than perlite. Clarification or correction is required.

Page 5, line 18, the term “HPL” is not clearly identified. Is it an abbreviated form of “high-pressure laminate”? For clarity, at least in the first occurrence of HPL, its full term must be incorporated. Appropriate correction is required.

### *Claim Objections*

2. Claim 7 is objected to because it is unclear what HPL denotes. To obviate this objection, the first occurrence of HPL should be amended to read, “high-pressure laminate (“HPL”).”\*\* Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. Claims 1-4 and 6-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for heat-curing resin as a binder in the claimed product, does not reasonably provide enablement for a broad class of resin. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The amendment to claim 1 remove the term “hot-curing” to correct indefiniteness problem

raises new matter issue as the specification only provides support for heat-curing resin but not just any resin. It is suggested that “heat-curing” be added before “resin (at line 5 of claim 1) to obviate this rejection.\*

*Response to Arguments*

4. Applicant's arguments filed June 24, 2004 are deemed persuasive. Thus, the art-based rejections are hereby withdrawn.
5. References are cited as art of interest.
  - a. The Hemels reference (US 4,503,115) teaches a molded decorative article comprising fibers and heat-curing resin but fails to teach fillers in the article.
  - b. The Willemse reference (US 6,387,489) teaches a decorative sheet comprising fibers, fillers and heat-curing resin. However, the diameter of the fibers is taught to be from 0.025 to 1mm (col. 4, lines 18-20) while the particle size of the fillers (pigments) is taught to be from 0.01 to 1.5 mm (col. 4, lines 43-45). This teaching of Willemse suggests that the fillers may have particle size larger than the thickness of the fibers. Therefore, Willemse teaches away from the specific dimensional relationship between the diameter of the fibers and the particle size of fillers as required in the instant claims.

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\*\* Assuming “HPL” denoting “high-pressure laminate”.

\* Note that “heat-curing” is needed to differentiate the resin from radiation-curing resin. Thus “heat-curing” is definite while “hot-curing” is not for reasons set forth in the previous office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



H. T. Le  
Primary Examiner  
Art Unit 1773